

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

June 10, 2008

- I. Public Comment – Issues on Agenda**
- II. Requested Rezonings / Docket Approval – Yes**
- III. Approval of Summary-Yes, June 3, 2008, pp.13-17**
- IV. Budget Amendments – Yes, pp.18-31**
- V. New Business, 36-88**
- VI. Continuing Business / Presentations**
 - A. Services Committee Update (separate, not in packet)**
 - B. Habitat for Humanities Presentation, Rachel Childers, Executive Director**
- VII. Council Report**
- VIII. Mayor's Report – Yes**
- IX. Public Comment – Issues Not on Agenda**

ADMINISTRATIVE SYNOPSIS

New Business Items

- A. Authorization to Amend Resolution No. 413-2006 Regarding the Georgetown Street Neighborhood Association. (291-08) (Blues/Langston)
This request will authorize an amendment to Resolution No. 413-2006 regarding the purpose / use of Capital Funds of \$5,000 allocated to Georgetown Street Neighborhood Association for a corridor visioning plan. The Association has requested the funds be used for sidewalk replacement in Douglass Park which will enhance the current renovation of the basketball courts in the park.**p.36**
- B. Authorization to Rescind a Portion of Resolution No. 413-2006 Regarding the Masterson Station Neighborhood Association. (292-08) (Blues/Langston)
This request will authorize a rescission of a portion of Resolution No. 413-2006 regarding the purpose / use of Capital Funds of \$10,000 for the Masterson Station Neighborhood Association. The funds were allocated for a basketball court in the neighborhood park. The Association has made no project plans for the funds.**p.37**
- C. Authorization to Amend Resolution No. 413-2006 Regarding the Winburn Neighborhood Association. (293-08) (Blues/Langston)
This request will authorize an amendment to Resolution No. 413-2006 regarding the purpose / use of Capital Funds of \$5,000 allocated to the Winburn Neighborhood Association for a corridor vision plan. The Association has requested the funds be used to replace the neighborhood sign and assist homeowners with sidewalk replacement throughout the neighborhood.**p.38**
- D. Authorization to Amend Resolution 413-2006 regarding the Oakwood Neighborhood Association. (294-08) (Blues/Langston)
This request will authorize an amendment to Resolution No. 413-2006 regarding the purpose / use of Capital Funds of \$23,500 allocated to the Oakwood Neighborhood Association for renovation of the basketball court in Oakwood Park. The Association has requested the funds be used to renovate the community center's public facility located in the park. **p.39**
- E. Authorization of a Lease Agreement Between LFUCG and MES Enterprises, LLC for Unit 3 of the Triangle Center Condominiums at 325 W. Main Street. (284-08) (Cole)
This request will authorize a Lease Agreement with MES Enterprises, LLC for Unit 3 of the Triangle Center Condominiums at 325 W. Main Street for Project Synergy (formally STARS). The lease entitles LFUCG to exclusively occupy 5,499 square feet (approximately 1,500 square feet

more than previously) and to have access to another 400 square feet of nonexclusive space. The initial term of the lease is for 14 months effective May 1, 2008, with a one-year renewal option. The rent for the initial term and renewal is \$7,491.25 per month. Funds are budgeted.**p.40**

- F. Authorization of a Memorandum of Agreement (MOA) with the Kentucky Governor's Office of Local Development to Extend the Gainesway Park Development Project. (296-08) (P. King/Cole)
This request will authorize a MOA with the Kentucky Governor's Office of Local Development to extend the Gainesway Park Development Project from June 30, 2008 to June 30, 2009. This extension will allow completion of the project.**p.41**
- G. Authorization of an Ordinance to Advertise for Bids to Provide Natural Gas Franchise in Fayette County. (304-08) (Starkweather/Cole)
This request will authorize an Ordinance to advertise for bids for a three-year non-exclusive franchise to provide natural gas in Fayette County. The current 3% franchise fee on gross revenues is maintained. The fee also applies to transportation charges a company may charge a third party company for distributing the third party's gas to Fayette County users when that company does not have distribution facilities within Fayette County.**p.42**
- H. Authorization of Change Order No. 3 to Contract with BCD, Inc. Regarding the Gainesway Community Center Improvements Project. (311-08) (Hancock/Cole)
This request will authorize Change Order No. 3 to contract with BCD, Inc. to increase the amount by \$15,150.94 for the Gainesway Community Improvements Project. This change includes data / power outlets in the community room, removal of additional rock, the addition of a pass-through window for the kitchen, stain / seal kitchen floor, clean entrance grates, replace rear door glazing, add a vertical grab bar in the restroom, and modify the fire suppression range hood to acceptable working height. Original contract amount was \$776,700. Total of previous change orders is \$50,754.46. New total contract amount is \$842,605.40. Funds are budgeted.**pp.43-45**
- I. Authorization of Change Order No. 1 to Contract with Asphalt Paving and Maintenance Regarding the Southland Park Parking Lot Improvements Project. (312-08) (Hancock/Cole)
This request will authorize Change Order No. 1 to contract with Asphalt Paving and Maintenance to increase the amount by \$2,501 for the Southland Park Parking Lot Improvements Project. This change includes additional paving requirements, an additional six foot walk, and an additional walk to connect the western corner of lot to Hill N' Dale sidewalk. The original contract amount was \$69,987.75. New contract amount is \$72,488.75. Funds are budgeted.**pp.46-48**

- J. Authorization to Amend Resolution No. 291-2008 regarding a Clerical Error to the 2008 Summer Food Service Program. (295-08) (P. King/Koch)
This request will authorize an amendment to Resolution No. 291-2008 to correct a clerical error to the cost of snacks for the 2008 Summer Food Service Program. This amendment will correct the cost of snacks from \$.062 to read \$.62. There are no other changes with this amendment.p.49
- K. Authorization of a Memorandum of Agreement (MOA) with the Kentucky Governor's Office of Local Development to Extend the Aviation Museum of Kentucky Project. (313-08) (P. King/Koch)
This request will authorize a MOA with the Kentucky Governor's Office of Local Development to extend the Aviation Museum of Kentucky Project from June 30, 2008 to June 30, 2009. This extension will allow completion of the project.p.50
- L. Authorization of a Memorandum of Agreement (MOA) with the Kentucky Governor's Office of Local Development to Extend the Survivors II Project. (314-08) (P. King/Koch)
This request will authorize a MOA with the Kentucky Governor's Office of Local Development to extend the Survivors II Project from June 30, 2008 to June 30, 2009. This extension will allow completion of the project.p.51
- M. Authorization of an Amendment No. 5 to Agreement with Amerinational Community Services, Inc. for Loan Servicing for the HOME and Community Development Block Grant (CDBG) Housing Rehabilitation and Homeownership Programs. (315-08) (P. King/Koch)
This request will authorize Amendment No. 5 to Agreement with Amerinational Community Services, Inc. to extend the agreement through June 30, 2009 and add an additional \$30,000 for loan servicing for the HOME and CDBG Housing Rehabilitation and Homeownership Programs. The fixed fee per loan for the initial set-up has increased from \$25 to \$30 per loan and the fee for servicing the loans increased from \$8.50 to \$9.35 per loan. LFUCG currently maintains a portfolio of approximately 240 loans. Amerinational Community Services, Inc. will be responsible to maintain each individual account and all related tasks.p.52
- N. Authorization to Accept Scope of Work Detail and Cost Proposal from Potter & Company, LLP Regarding the Fayette County Sheriff's 2008 Property Tax Settlement. (316-08) (Koch)
This request will authorize the acceptance of the scope of work detail and cost proposal for \$12,560 from Potter & Company, LLP to provide professional accounting services for the Fayette County Sheriff's 2008 Property Tax Settlement. Funds are budgeted.pp.53-56

- O. Authorization of an Independent Contractor Agreement Between LFUCG and I/O Solutions, Inc. to Test Applicants Applying for Lieutenant, Captain and Major Within Fire and Emergency Services. (317-08) (Allen/Koch)
This request will authorize the acceptance of an Independent Contractor Agreement at a cost of \$13,500 with I/O Solutions, Inc. for the testing of applicants applying for Lieutenant, Captain and Major positions within Fire and Emergency Services. Funds are budgeted.**pp.57-59**
- P. Authorization to Accept Award from the Kentucky Division of Forestry on behalf of the Department of Public Works and Development, Division of Streets, Roads and Forestry under the 2008 Kentucky Urban and Community Forestry Program. (298-08) (P. King/D. Kelly)
This request will authorize the acceptance of an award of federal funds in the amount of \$5,000 from the Kentucky Division of Forestry on behalf of the Division of Streets, Road and Forestry under the 2008 Kentucky Urban and Community Forestry Program. Funds will be used for the reprinting of the "Reforest the Bluegrass" brochure, reprinting of the "Street Tree Selection and Care" and "Stop Tree Topping" brochures, and for support staff attendance at local conferences and educational programs. The source of federal funds is the US Department of Agriculture. A local match of 50% (\$5,000) is required and will be documented in the form of staff time of existing personnel within the division. Total project cost is \$10,000.**p.60**
- Q. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Twelfth Street Neighborhood Improvements Project. (299-08) (Rayan/D. Kelly)
This request will authorize a deed of acceptance for a Temporary Construction Easement of 1,501 square feet at a cost of \$975 at 1118 North Broadway for the Twelfth Street Neighborhood Improvements Project. Funds are budgeted.**p.61**
- R. Authorization of Amendment No. 8 to Contract with ENTRAN (f/k/a American Consulting Engineers, PLC) Regarding the Newtown Pike Extension Project – FY2008. (321-08) (P. King/D. Kelly)
This request will authorize Amendment No. 8 to contract with ENTRAN to increase amount by \$752,396 regarding the Newtown Pike Extension Project. This amendment provides for an additional seven (7) months of community liaison services, revision to Phase IV right-of-way plans due to grade revisions near Corman Rail Yard, additional structural and geotechnical work due to these grade revisions, relocation services for Phase I mitigation area renters, monitoring of Corrective Action Plan for Phase I and Phase IV, implementation and management of the Southend Park Mitigation Project Management, and technical assistance for the Community Land Trust, Subconsultants – Third Rock Consultants, FMSM, Dorothy Coleman - Community Liaison, and EHI. Original contract amount was \$1,666,698.99. Total of previous amendments is

\$3,042,021.52. New contract amount is \$5,461,116.51. Funds are budgeted.**p.62-65**

- S. Authorization to Accept Award from the Lexington-Fayette County Health Department for Continuation of the Home Visitation Program at the Family Care Center – FY2009 (297-08) (P. King/Helm)
This request will authorize the acceptance of federal funds of \$109,300 awarded to the Lexington-Fayette County Health Department for the continuation of the Home Network Program at the Family Care Center. The Home Network Program provides home visitation services for high-risk families with children from birth up to age two. This program is funded by the Kentucky Cabinet for Health and Family Services in a “pass-through” arrangement with the Health Department as a granting agency. The source of federal funds is the Kentucky Medical Assistance Program (Medicaid) and tobacco settlement dollars. The Home Network is a “fee for service” program which means LFUCG will only receive funding for services delivered. The Grant Budget reflects the expenses of the program and estimates of how much revenue will be generated by the existing staff. It is anticipated that \$343,368 in “fee for service” revenue will be generated in 2009. The \$109,300 represents the gap between the anticipated revenue and the expenses of the program. A local match of \$109,300 has been requested from the FY2009 General Fund Budget. Acceptance of the award is subject to the availability of sufficient funds in FY2009.**p.66**
- T. Authorization to Submit Application to the Kentucky Department of Education, and Accept Award if Offered, for Participation in the Child Care Food Program on behalf of the Department of Social Services, Family Care Center – FY2009. (305-08) (P. King/Helm)
This request will authorize the submission of an application to the Kentucky Department of Education, Division of School and Community Nutrition, for federal funds of \$62,000 to offset the costs of operating the nutrition program at the Family Care Center. This program provides lunches and meal supplements to all children enrolled in the Child Care Program at the Center. The program pays for food and other related supplies and supports personnel costs of staff members who prepare the food. The reimbursement rate in FY2008 was \$1.35 for free breakfast, \$2.47 for free lunch, and \$.68 for supplements. The reimbursement rates for FY2009 have not been published at this time. Approximately 95% of the participants are eligible for free meals. The source of federal funds is the Department of Agriculture. No matching funds are required; however, the Center has requested \$165,820 in the 2009 General Fund Budget subject to the availability of sufficient funds in FY2009.**p.67**

U. Authorization to Submit Application to the Kentucky Department of Education, and Accept Award if Offered, on behalf of the Department of Social Services, Divisions of Youth Services and Family Services for Operation of the National School Lunch Program – FY2009. (306-08) (P. King/Helm)

This request will authorize the submission of an application to the Kentucky Department of Education for federal funds of \$35,000 for operation of the National School Lunch Program at the Division of Youth Services, Day Treatment Center and the Division of Family Services, Family Care Center. This program includes breakfast and lunch for teen parent participants at the Family Care Center (grade 9 – 12) and for the students at the Day Treatment Center (grade 6 – 12). The program provides for the purchase of food, supplies and labor. The reimbursement rate in FY2008 was \$1.61 for free breakfast and \$2.49 for free lunch.

Approximately 64% of the participants of these programs are eligible for free lunch. The reimbursement rate for FY2009 has not been published at this time. The source of federal funds is the US Department of Agriculture, National School Lunch Program. No matching funds are required. The Grant Budget includes \$116,380 in local funds. These local funds have been requested as grant match in the Divisions' FY2009 General Fund Budgets, subject to the availability of sufficient funds in FY2009.**p.68**

V. Authorization to Accept Additional Funding from the Kentucky Department of Education / 21st Century Community Learning Center Program for Summer Programming for Year Five of the Programming. (310-08) (P. King/Helm)

This request will authorize the acceptance of federal funds in the amount of \$80,000 from the Kentucky Department of Education / 21st Century Community Learning Center Program for Summer Programming for year five (5) of the Programming. Funds of \$5,000 will be used for the Summer Learning Program for Homework Huddle participants at the Gainesway Empowerment Center and the remaining \$75,000 for the fifth-year programming. These funds will be used for salaries and fringe benefits, required professional development, field trip expenses, equipment, materials and supplies, stipends, and contractual services. The source of federal funds is the Department of Education as authorized under the No Child Left Behind Act, Title IV, Part B. No matching funds are required.**p.69**

W. Authorization to Accept Award from the Kentucky Department of Juvenile Justice on Behalf of the Department of Social Services, Division of Youth Services for Operation of the Day Treatment Program – FY2009. (318-08) (P. King/Helm)

This request will authorize the acceptance of an award of state funds in the amount of \$241,845 from the Kentucky Department of Juvenile Justice on behalf of the Division of Youth Services for operation of the Day Treatment Program. This is a community-based treatment program for

juveniles between the ages of 12 and 17. The program's mission is to treat delinquent youth in their home community to prevent institutionalization and to keep predelinquent youth out of the juvenile justice system. Funds will be used for salaries and operating costs associated with the program. While no local match is required, \$311,790 has been requested in the FY2009 General Fund budget for program operation.p.70

- X. Authorization of an Agreement with the Kentucky Office of Homeland Security (KOHS) for Continuation of the Metropolitan Medical Response System (MMRS) Project. (303-08) (P. King/Bennett)
This request will authorize an Agreement with KOHS to extend the MMRS Project from June 30, 2008 to March 31, 2009. This extension will allow for the completion of the project.p.71
- Y. Authorization of a Lease Agreement Between LFUCG and Clark-Central LLC on behalf of the Department of Public Safety, Division of Fire and Emergency Services for Purpose of Parking and Storage at 203 E. Third Street. (320-08) (Hendricks/Bennett)
This request will authorize a Lease Agreement with Clark-Central LLC at a cost of \$3,000 behalf of the Division of Fire and Emergency Services for parking and storage purpose at lot at 203 E. Third Street for a one year lease beginning July 1, 2008 through June 30, 2009 with renewal for an additional four (4) years. This lot will be used for parking of fire personnel. Funds are budgeted.p.72
- Z. Authorization to Submit Application to the Kentucky Office of the 911 Coordinator / Commercial Mobile Radio Service Board on Behalf of the Department of Public Safety, Division of Enhanced 911 for Improvements to the Regional 911 System. (322-08) (P. King/Bennett)
This request will authorize the submission of an application for state funds in the amount of \$371,200 to the Kentucky Office of the 911 Coordinator / Commercial Mobile Radio Service Board on behalf of the Division of Enhanced 911 for the expansion of the Central Kentucky 911 network. This expansion will include the jurisdictions of Hardin, Casey, Garrard, Perry, Estill, Meade, and Taylor Counties. The purpose of the enhanced communications system is to create a redundant infrastructure allowing simplified network connectivity, lower cost and more efficient operations for all parties involved. The regional system will accept landline, wireless and VoIP emergency calls, and fully transfer all voice and data associated with each call. These capabilities are not currently available between individual communications centers. No matching funds are required.p.73

AA. Authorization to Submit Application to the US Department of Justice, Office of Justice, Office of Justice Programs on Behalf of the Department of Public Safety, Division of Police for Implementation of a Safe Highway Initiative. (323-08) (P. King/Bennett)

This request will authorize the submission of an application for federal funds in the amount of \$400,000 to the US Department of Justice, Office of Justice, Office of Justice Programs on behalf of the Division of Police for implementation of a Safe Highway Initiative. The Division will conduct concentrated patrol activities along the I-64 / I-75 highway system through the use of advanced patrol enforcement techniques to include commercial vehicle inspections and the use of additional resources such as Air Support and Federal Task Forces. Funds will be used to deploy a team consisting of six (6) officers, two (2) canine officers, and one (1) supervisor. The officers will be responsible for making contacts with motorists based on observed violations and / or commercial motor vehicles that are subject to MCSAP safety inspections. Funding will be used primarily for overtime, professional development, professional services, and computer equipment. The federal funds have been requested from the Edward Byrne Memorial Competitive Grant Program under the Enhancing Local Law Enforcement category. No matching funds are required.**p.74**

BB. Authorization of a Statement of Affiliation on Behalf of the Department of Public Safety, Division of Fire and Emergency Services under KRS Chapter 39F. (324-08) (Dugger/Bennett)

This request will authorize a Statement of Affiliation on behalf of the Division of Fire and Emergency Services Rescue Team as a Rescue Squad under KRS Chapter 39F. This statement will establish the Division's Special Operations Technical Rescue Team as the only recognized technical rescue team (rescue squad) in Fayette County. This will allow rescue team members coverage under state liability and workers compensation, and would allow for possible FEMA reimbursement for expended equipment while on a mutual aid assistance call. There is no budgetary impact.**pp.75-78**

CC. Authorization of a Deed of Acceptance for Property at 805 Farra Court for the Radcliffe Road Stormwater Improvements Project. (300-08) (Martin/Taylor)

This request will authorize a deed of acceptance for property at 805 Farra Court at a cost of \$107,500 for the Radcliffe Road Stormwater Improvements Project. The acquisition of the property is for stormwater management and mitigation to the existing watershed and will allow for positive stormwater mitigation in the immediate area as well as downstream. Funds are budgeted.**p.79**

DD. Authorization of a Deed of Acceptance for Property at 809 Farra Court for the Radcliffe Road Stormwater Improvements Project. (301-08) (Martin/Taylor)

This request will authorize a deed of acceptance for property at 809 Farra Court at a cost of \$111,581.19 for the Radcliffe Road Stormwater Improvements Project. The acquisition of the property is for stormwater management and mitigation to the existing watershed and will allow for positive stormwater mitigation in the immediate area as well as downstream. Funds are budgeted.**p.80**

EE. Authorization of an Engineering Services Agreement Between LFUCG and OPS Systems, Inc. on behalf of the Department of Environmental Quality, Division of Water and Air Quality. (302-08) (Martin/Taylor)

This request will authorize an Engineering Services Agreement between LFUCG and OPS Systems, Inc. for \$62,200 on behalf of the Division of Water and Air Quality. OPS Systems, Inc. will provide operations software and services for the wastewater treatment plants and the lab. This will allow all data collected by the lab, pretreatment and both wastewater treatment plants to be pulled together and shared easily for trending and monthly reports. Funds are budgeted.**p.81**

FF. Authorization to Amend Resolution No. 94-2008 to Correct a Clerical Error Regarding the Address for the Elizabeth Street Drainage Improvements Project. (307-08) (Martin/Taylor)

This request will authorize an amendment to Resolution No. 94-2008 to correct a clerical error of the address from 227 Floral Park to read 227 Forest Park Road for the Elizabeth Street Drainage Improvements Project.**pp.82-83**

GG. *Authorization of an Engineering Services Agreement Between LFUCG and Tetra Tech, Inc. on Behalf of the Department of Environmental Quality, Division of Water and Air Quality Regarding the Sanitary Sewer Fats, Oils and Grease (FOG) Program. (309-08) (Martin/Taylor)

This request will authorize an Engineering Services Agreement between LFUCG and Tetra Tech, Inc. for \$50,000 on behalf of the Division of Water and Air Quality for development of a Sanitary Sewer FOG Program for submission to the US Environmental Protection Agency and the Kentucky Environmental Public Protection Cabinet by March 14, 2009. Funds are budgeted.**p.84 EPA Consent Decree**

HH. Authorization of an Engineering Services Agreement Between LFUCG and Strand Associates, Inc. on behalf of the Department of Environmental Quality, Division of Water and Air Quality Regarding the Investigation and Design Services for Screw Pump Replacement at the Town Branch Wastewater Treatment Plant (WWTP). (308-08) (Martin/Taylor)

This request will authorize an Engineering Services Agreement between LFUCG and Strand Associates, Inc. for \$64,000 on behalf of the Division

of Water and Air Quality for the investigation and design services for screw pump replacement at the Town Branch WWTP. Funds are budgeted.p.85

- II. Authorization to Submit Application to the Environmental Protection Agency (EPA) on Behalf of the Department of Environmental Quality Under the Southeast Diesel Collaborative (SEDC) Program. (319-08) (P. King/Taylor)
This request will authorize the submission of an application for federal funds in the amount of \$750,000 to the EPA under the SEDC FY2008 – 2009 Diesel Program. Funds must be used to reduce pollution from heavy duty diesel vehicles and equipment in collaboration with LexTran, Fayette County Public Schools, and Bluegrass PRIDE. LFUCG proposes to retrofit 25 garbage trucks in the Division of Waste Management by using EPA verified emission control technology particulate matter filters.
LexTran proposes to use biodiesel as opposed to conventional diesel. Currently LexTran uses 50,000 gallons per year and is requesting the cost differential for the cleaner fuel for their fleet of 71 buses. Bluegrass PRIDE proposes to include clean air education with its current WasteBuster Schools Program in 70 schools throughout Fayette County. Bluegrass PRIDE also proposes to use its current Environmental Educators to implement clean air curricula developed by the Kentucky Division of Air Quality to complement the WasteBuster Program.p.86
- JJ. *Authorization to Amend Section 22-5 of the Code of Ordinances Within the Department of Environmental Quality, Division of Water and Air Quality. (325-08) (Allen/Taylor)
This request will authorize an amendment to Section 22-5 of the Code of Ordinances to abolish one (1) position of Municipal Engineer Sr. (Grade 119E) and create one (1) position of Project Engineering Coordinator (Grade 119E) within the Division of Water and Air Quality. The term of the position will be for four (4) years to end on April 24, 2012. This fiscal impact for FY2009 is neutral.p.87 **EPA Consent Decree**
- KK. Authorization to Accept Award from the Kentucky Transportation Cabinet (KYTC) for the Fiber Optic Cable Installation Program – FY2008. (326-08) (P. King/D. Kelly)
This request will authorize the acceptance of an award of federal funds in the amount of \$320,000 from the KYTC for the Fiber Optic Cable Installation Program. This project is in the Lexington Area Metropolitan Planning Organization's approved Transportation Program. This project will provide a more reliable communication medium for the traffic signal system (with the objective of reducing harmful emissions), and to lessen the impact of severe electrical storms and other inclement weather conditions, and will also aberrant telephone line communications on traffic signal communications. Funds will be used to support the costs of fiber optic cable installation and to support the costs of video equipment / data

communications integration. This is the eighth year of this effort to convert traffic signals to fiber optic cable. This year's focus is on Man O' War Boulevard (Tates Creek to Nicholasville), Nicholasville Road (Wilson Downing to Tiverton Way), Nicholasville Road (Toronto to Cobblestone), Tates Creek Road (New Circle to Man O' War), and North Broadway (Fire Station No. 8 to Old Paris Pike). The source of federal funds is the Congestion Management / Air Quality Program allocation. A local match of \$20% (\$80,000) is required and will come from the FY2008 Division of Traffic Engineering Budget.**p.88**

* Denotes EPA Consent Decree